

REMARKS

Claims 1 - 21 are pending. By this amendment, claims 1, 4, 16, and 21 are amended and claims 3 and 18 are cancelled. No new matter is introduced. Reconsideration and issuance of a Notice of Allowance are respectfully requested.

On page 2 the Office Action rejects claims 1 - 21 under 35 U.S.C. §101 because the claims are "directed to non-statutory subject matter." This rejection is respectfully traversed.

Claims 1, 16, and 21 are amended to recite a computer system under control of an operating system comprising modules of code and an operating system kernel. Accordingly, these claims are patentable under 35 U.S.C. §101. Withdrawal of the rejection of claims 1 - 21 under 35 U.S.C. §101 is respectfully requested.

On page 3 the Office Action rejects claims 1 - 21 under 35 U.S.C. §103(a) over U.S. Patent 5,634,058 to Allen (hereafter Allen) in view of U.S. Patent Publication 2004/0237070 to Roth et al. (hereafter Roth) and further in view of U.S. Patent 7,076,647 to Roth et al. (hereafter Roth I). This rejection is respectfully traversed.

CLAIMS 1 AND 3

Claim 1 is amended to incorporate all the features of dependent claim 3, and claim 3 is cancelled. The features added to claim 1 by this amendment include means for defining the DLKM data structure comprising an autoload statement.

Considering claim 3, the Office action asserts that Allen teaches the means for defining the DKLM structures and wrapper functions comprises an autoload statement. To support this assertion, the Office Action refers to Allen at col. 5, lines 22 - 24 and col. 11, lines 26 - 30.

Allen is directed to a dynamically configurable kernel that determines if a kernel module is installed in the kernel memory, and if not, copies the module into the kernel memory. In Allen's system, kernel modules are installed when needed (i.e., when called). See column 5, lines 23 - 28. Whether a particular module is required is designated in kernel configuration tables. The same table is used to designate, through use of a null value, that specific modules are installed in the kernel. See column 5, lines 38 - 59. The process for installing the module into the kernel is explained starting at column 5, line 60 and continues to column 6, line 10. At column 7, lines 18 - 39, Allen discloses a process for unloading a module from the kernel. As far as defining a DLKM data structure, Allen discloses this process starting at column 6, line 54 and continuing to column 7, line 3. However, nowhere does Allen disclose or suggest using an autoload statement to define the DLKM data structures and wrapper functions.

In contrast to Allen, claim 1, as amended, recites “means for defining the DLKM data structures and wrapper functions comprises an autoload statement.” As noted above, Allen does not disclose or suggest an autoload statement, for any purpose. Roth and Roth I do nothing to correct this deficiency in Allen. Because Allen, Roth, and Roth I, individually and in combination, do not disclose or suggest all the elements of claim 1, claim 1 is patentable.

CLAIMS 16 AND 21

Claims 16 and 21 are amended to recite additional features similar to those added to claim 1 to make claim 1 patentable. For the same reasons as applied to amended claim 1, amended claims 16 and 21 also are patentable.

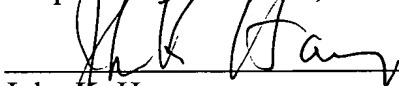
DEPENDENT CLAIMS

Claims 3 and 18 are cancelled and their rejection is moot. Claims 2 and 4 - 15 depend from patentable claim 1; and claims 17, 19, and 20 depend from patentable claim 16. For these reasons and the additional features they recite, claims 2, 4 -15, 17, 19, and 20 also are patentable.

Withdrawal of the rejection of claims 1 - 21 under 35 U.S.C. §103(a) is respectfully requested.

Date: **February 12, 2008**

Respectfully submitted,



John K. Harrop
Registration No. 41,817
Andrews Kurth LLP
1350 I Street, NW
Suite 1100
Washington, DC 20005
Tel. (202) 662-3050
Fax (202) 662-2739